

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION NO. 04-CV-10281 EFH
ORIGINAL

ARY Jewelers, LLC,)
Plaintiff,) 2005 DEC 22 P 1:53
v.)
IBJTC Business Credit Corp. and)
David Molinario,)
Defendants.)

**ASSENTED TO MOTION FOR CONTINUANCE OF
HEARING ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

TO THE UNITED STATES DISTRICT COURT:

Pursuant to Local Rule 40.3, Plaintiff ARY Jewelers, LLC ("Plaintiff") files this Assented to Motion for Continuance of Hearing on Defendants' Motion for Summary Judgment and in support thereof would respectfully show the Court the following:

1. The Court has set the hearing on Defendants' Motion for Summary Judgment for January 5, 2006.
2. Attorney-in-charge for Plaintiff, Stephen Carrigan, will be the attorney attending and presenting argument at the hearing. However, he has prepaid airline and event tickets to watch his alma mater, the University of Texas, play in the Rose Bowl. The game is on Wednesday, January 4, 2006 in the late afternoon. Mr. Carrigan will not be returning from the Rose Bowl until Friday, January 6.
3. Due to Mr. Carrigan's travel plans, ARY respectfully requests that the hearing on Defendants' Motion for Summary Judgment be continued from its present setting. Counsel for ARY

has spoken with court clerk, Sandra Holahan, regarding this matter and she advised ARY to request a new hearing date of either January 18 or 19 at 2:00 p.m. Attorney-in-charge for Defendants have expressed a strong preference that the hearing be set on January 18 due to a conflict on January 19, however.

4. This Motion for Continuance is not sought for delay, but so that justice may be done.
5. Defendants assent to the relief requested in this Motion.

WHEREFORE, Plaintiff and Defendants ask that this Motion be granted.

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

By:

Stephen P. Carrigan (Admitted Pro Hac Vice)
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Attorney-in-Charge for Plaintiff

OF COUNSEL:

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Of Counsel for Plaintiff

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Of counsel for Plaintiff

Dated: December 21/05 2005

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and Defendants have conferred and each agrees with the relief requested in the foregoing motion.

Stephen P. Carrigan/Jill L. Groff

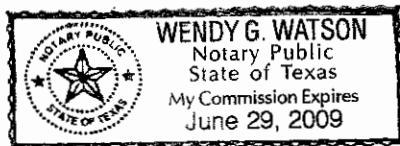
VERIFICATION

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Stephen P. Carrigan, attorney-in charge for Plaintiff ARY Jewelers, LLC, do hereby certify that the statements and allegations in the foregoing Motion for Continuance are true and correct and are within my own personal knowledge.

Stephen P. Carrigan

SUBSCRIBED AND SWORN TO BEFORE ME on the 21st day of December, 2005, to certify which witness my hand and official seal.



Wendy G. Watson
Notary Public For The State Of Texas
(Signature)

Notary's printed name

My commission expires:

Ropes & Gray, LLP
Kate Cimini
Christopher R. Dillon
One International Place
Boston, MA 02110-2624

Via facsimile

Lee S. Gayer
Ropes & Gray, LLP
45 Rockefeller Plaza
New York, N.Y 10111-0087

Via facsimile

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was forwarded as indicated below by certified mail, facsimile and/or hand delivery, return receipt requested in accordance with the Federal Rules of Civil Procedure on this 21st day of December, 2005.

Robert S. Fischler
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